

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
JOANNE E. SALVA

Plaintiff,

v.

DOLLAR TREE STORES, INC.

and
SCOTT REESE,Defendants.
----- X: **Via ECF**
:
: Case No. 07 CV 5673 (KMK)
:
: **DEFENDANT SCOTT**
: **REESE'S REPLY**
: **MEMORANDUM OF LAW**
: **IN SUPPORT OF**
: **DEFENDANT SCOTT**
: **REESE'S MOTION TO**
: **DISMISS**

This Reply Memorandum of Law is respectfully submitted on behalf of Defendant Scott Reese ("Reese"), in support of his Motion to Dismiss Plaintiff Joanne Salva's Complaint (the "Complaint") against him for failure to state a claim and awarding such other relief as this Court may deem just and proper.¹

In Plaintiff's Motion to Oppose Affirmative Response, she presents factual allegations to allegedly support her improper claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq. ("Title VII") against individual Defendant Reese. Plaintiff cannot and does not, however, cite any statutory language or case law allowing an individual employee to be held liable under Title VII. Indeed, as stated in Reese's supporting memorandum, Title VII prohibits discrimination by "employers", see 42 U.S.C. § 2000e-2, but courts consistently hold that Title VII does not permit the imposition of individual liability on individual employees. See Patterson v. County of Oneida, New York, 375 F.3d 206, 221 (2d Cir. 2004) (citing Wrighten v. Glowski,

¹ Plaintiff filed a motion to file an amended complaint to which Defendants do not object. The Amended Complaint alleges additional facts, but does not add any additional claims. The only claim in the Amended Complaint is made under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq. Therefore, Reese's Motion to Dismiss should be granted even though Plaintiff seeks to file an Amended Complaint.

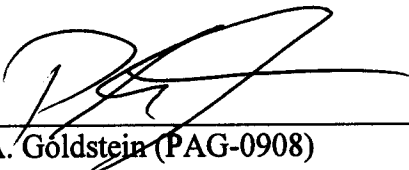
232 F.3d 119, 120 (2d Cir. 2000) (per curiam)); Tomka v. Seiler Corp., 66 F.3d 1295, 1313 (2d Cir. 1995). Therefore, Reese must be dismissed from this action as a Title VII claim cannot be brought against an individual.

WHEREFORE, Defendant Scott Reese, by counsel, prays this Court enter an order granting his Motion to Dismiss and dismissing the Complaint against him with prejudice, and awarding him the costs and attorneys fees incurred in his defense of this action and such other relief to which he may be entitled.

Dated: October 3, 2007
New York, New York

McGUIREWOODS LLP

By: _____


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